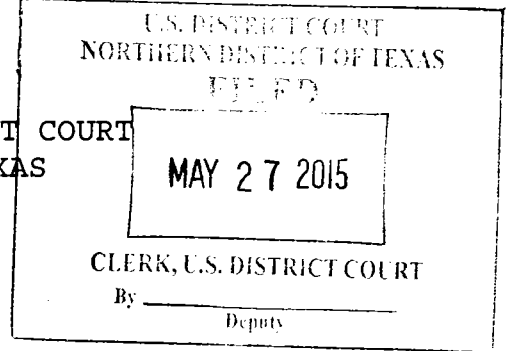


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



HENRY LEE SIMS, JR., ET AL.,

Plaintiffs,

VS.

KIA MOTORS AMERICA, INC.,  
ET AL.,

Defendants.

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NO. 4:14-CV-045-A

ORDER GRANTING IN PART DEFENDANTS' MOTION  
TO EXCLUDE TESTIMONY OF JERRY WALLINGFORD

After having considered the motion of defendants, Kia Motors America, Inc. and Kia Motors Corporation, to exclude testimony of plaintiffs' expert Jerry Wallingford ("Wallingford"), plaintiffs' response thereto, the record, and applicable authorities, the court has concluded that such motion should be granted in part and that defendants should make an expedited reply to plaintiffs' response as to the other grounds of such motion.

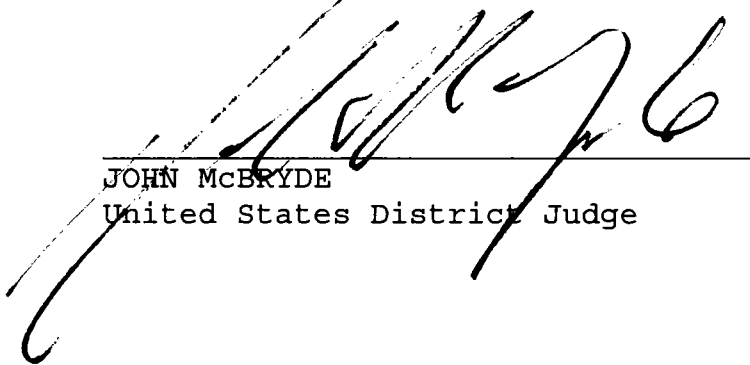
The court finds that Wallingford's proffered expert opinions and related testimony regarding the polymer access cover over the fuel tank under the rear seat and pertaining to the cause, nature, or extent of injuries suffered by the occupants in the rear of the vehicle at the time of the occurrence in question are unreliable and thus, inadmissible for the lack of reliance on sufficient facts or reliable underlying data, and do not satisfy any of the standards set forth in parts (a)-(d) of Rule 702 of

the Federal Rules of Evidence. Therefore, the court hereby excludes the proffered expert opinions and related testimony of Wallingford on those subjects, and hereby ORDERS that plaintiffs make no attempt to inform the jury of whatever opinions Wallingford might have on those subjects.

As to the remaining features of such motion to exclude,

The court ORDERS that by 8:30 a.m. on June 1, 2015, defendants file a reply to plaintiffs' response to all relief sought by such motion to exclude that has not been granted by this order.

SIGNED May 27, 2015.



JOHN MCBRYDE  
United States District Judge